Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and asked if he understood the process.

Detainee: Should I speak?

Tribunal President: As far as if you understand the process that we just described to you.

Detainee: It's not fair for me if you mask some of the secret information. How can I defend myself?

Tribunal President: The Tribunal is an impartial panel that looks at two things. The things we take into account are the information that the recorder provides us; the second thing that we look at is the oral statement that you will provide today, we hope. We have to weigh both things.

Detainee: I don't know what I should say. It is unfair that the government is going to be talking about me and I don't have an attorney, a civil attorney, and that attorney can come up with evidence that proves my innocence. As all people who commit crimes, they have an attorney defending them. If that's the only thing we have to do, what else can I say?

Tribunal President: I just want to remind you that this is an administrative process only. No punishment will be derived from the things that we do here today.

Detainee: You are right, but the thing that is the worse punishment is when you have determined that I am guilty when I am not. I feel that anybody that comes before any Tribunal is going to be classified as an Enemy Combatant. I'm not putting you down because I don't know you and you don't know me. I respect the Tribunal but the way it's formed is unjust.

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Tribunal President: We will note your concerns for the record. I would like to tell you though that we do look at each case on its own merits. So basically, at least what information I have given you; do you understand the process up to this point?

Detainee: Yes.

Tribunal President: And I will again note your concerns.

Translator: Excuse me, may I ask him if he speaks English? If he wants to say something in English, because I just heard him say something in English.

Tribunal President: He did respond in English. Yes, you certainly can ask him.

Translator: He just said that he only knows a few words.

Detainee: Again, I say I don't know what they mean by that. Whoever made that accusation how did they know that? If they heard that from me, again it is considered as evidence in my favor. When I know information like that, I would contact the police or the security in Yemen so that the Yemeni government can take all necessary precautions. That should be considered as evidence for me and not against me. Will you allow me to speak more?

Tribunal President: Yes.

Detainee: Having read the definition of an Enemy Combatant in the letter that I received a few months ago, is anybody that helped al Qaida or is a supporter. I am a businessman. I have no connection to al Qaida or any terrorist organization. I have never joined in any task or operations and I was never an enemy to the United States or other countries. I did not fight America or anybody else. I will not be considered as an enemy to anybody. I will not fight anybody. I hate fighting from the bottom of my heart. This is not because I'm here today; this is a fact. My religion, which I respect, as you well know is the Muslim religion, they forbid such a thing. My country is against terrorist and terrorism. As I told you earlier, I hate terrorists and terrorism and I give you evidence that terrorism is against my personal beliefs as I am a businessman in Yemen. Eighty percent of my trade depends, as I'm an exclusive dealer for international companies. They come to Yemen to conduct business there. I help these companies to get all kinds of contracts and get business in Yemen. I receive some kind of commission from them. Which company do you think is going to come to Yemen if there was terrorist and terrorism in Yemen? All these international companies need stability so they can come there and conduct their business. Any of these terrorist or terrorist activities is against my trade. How can I be supporting terrorist or terrorism? I hope you consider that in your decision. I repeat, all of these attacks that shook the world, is bad. Whoever committed these crimes is known and they are here. Is there anyone of them, who accuses me that I had anything to do with all these events? At that point in time you people can go ahead and accuse him. Other than that, nobody has a right to accuse me of anything. Just because of the fact that I am a prisoner, (inaudible). And you know that the CIA depends on a lot of information and some of it is incorrect. These people make mistakes and they depend on other agents and pay them so much money and only suffer because of it. They bring some information to the CIA, and it is usually is incorrect so they can take as much money as possible. So myself and other people like me, we are the victims and the CIA could also be a victim because they concentrate their effort on people that don't have anything to do with the events. These people, once they give the information to the CIA sometimes they give the wrong information and they know that they are feeding them. I hope you consider all this information. I want to let you know that I am a father. Even though I am not important in the American people's eyes because I am a prisoner, I am very important to myself. My kids and my wife think that I am important as do my mother and family. I hope that you consider that. I've already spent 28 months. I am in prison without any reason for being there. Don't be confused and mislead by all these allegations. I swear that the truth is totally different. I have nothing to do with terrorist or terrorism. I have nothing to do with all the attacks, as I told you before. I want to let you know that I lost a lot of money in my trade. I lost my place in the congress because of prison here. Don't you think that the time I have spent over here and the amount of money that I have lost and I lost the congress, don't that is a high price to pay? Don't you think that is a high price to pay? Don't you think that is a high price to pay? I apologize for taking too much of your time. I hope that you will be the people that will put an end to this situation so I can go back to my family. So I can live my life as a normal person. Don't be the cause for my continued imprisonment and give the CIA reason to keep me here. I hope so. Thank you.

Tribunal President: Does that conclude you statement?

Detainee: Yes.

Tribunal President: I'd like to at this point indicate that the only that we have seen about you to this point, is the Unclassified Summary. Would you be willing to answer some questions that we may have for you?

Detainee: If you ask questions that I know the answer to, I will answer.

Tribunal President: Thank you. Personal Representative, do you have any questions for the Detainee?

Personal Representative: Yes ma'am I do. I would just like to remind you that you had made a statement earlier when discussing with me, that you were a facilitator for the Yemeni Government?

Detainee: My Personal Representative is supposed to be with me. Not against me. Now he is talking like he is an interrogator. How can he be an attorney? I said all of these allegations were fabricated and I told you I had nothing to do with them. It's up to the Recorder or Reporter to respond or provide the proof. I'm afraid to say anything that you might use against me. As you know, there is no attorney here today and I don't know anything about the law. I don't know which of these statements are going to be used for me or against me. Whoever is representing the government needs to provide evidence.

Tribunal President: The Personal Representative is here simply just to help you and I don't know how it worked out in the translation, but the statement he made was not a negative one.

Detainee: I cannot say anything that can be used against me. I am even afraid to say what my name is.

Personal Representative: I was just trying to help him cover all the aspects of the response that he provided in his defense.

Detainee: All of my statements were accurate. Whatever you wanted to know I've already talked to you about. Nobody can mistreat me or get me counting or do you want me to, I'll count for everyone. You can condemn on something that I did against the United States or anything or any mistakes I committed. But if you wanted to look at me from time of World War I and World War II, that is unreasonable. Any unclassified information that you have; you need to come up with the answer. Once you give me the unclassified accusation or allegation, I will respond to it.

Tribunal President: Is that all you have Personal Representative?

Personal Representative: I guess based on his response, I'm questioning rather or not he would want me to submit anything in writing or just stick with his oral statement.

Detainee: I'm not going to keep repeating myself. What I just told you is just re-hashing the situation. Anything else I say, I am afraid is going to be used against me. I hope that you can forgive me.

Tribunal President: Do I take that to mean that you don't wish to answer anymore questions?

Detainee: Are you looking for the truth or you going to be interrogators?

Tribunal President: Like I said, this is the only information we have on you and occasionally we do have questions to clarify some things.

Detainee: The are allegations that I am accused of. There should be some material evidence. Not just words. Anything that was fabricated (inaudible). If you are aware of the laws, you know what I'm talking about when I say material facts. Give me all the evidence then I will answer these questions. Other than that, anything I say might me used against me.

Tribunal President: Do you have any other evidence you would like to present to this Tribunal?

Detainee: You give me the evidence against all these allegations and then I will answer questions.

Tribunal President: We have shown you all the unclassified evidence that we can show you.

Detainee: These are only accusations and I have already told you that there is no truth in them. Whoever is saying that these are accurate, then come up with the proof. If there is no evidence then it's considered implied. You know the law

Tribunal President: Okay. At this point your Personal Representative would submit your written statement to us, or would you prefer that he does not do that?

Detainee: I don't want him to give you the document. I wanted to speak to you myself. I don't think that the information that the Personal Representative wrote down is accurate. I